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Request for the inclusion of an item in the provisional agenda of the seventieth session

Observer status for the Community of Democracies in the General Assembly

Letter dated 10 July 2015 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General

In accordance with rule 13 of the rules of procedure of the General Assembly, I have the honour to request the inclusion of an item entitled "Observer status for the Community of Democracies in the General Assembly" in the provisional agenda of the seventieth session of the General Assembly.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (see annex I) and a draft resolution (see annex II) are transmitted herewith.

I should be grateful if you would have this letter and its annexes circulated as a document of the General Assembly.

(*Signed*) R. I. **Zamora Rivas**
Permanent Representative of El Salvador to the United Nations

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Annex I

Explanatory memorandum

The Community of Democracies is a global intergovernmental coalition of States Members of the United Nations singularly dedicated to a common goal: to support democratic rule and strengthen democratic norms and institutions around the world.

The activities of the Community are oriented towards enhanced collaboration between the States on democracy-related issues in existing international and regional institutions by forming coalitions of States and caucuses to support resolutions and other international activities aimed at the promotion of democratic governance, taking due account of cultural diversity, gender equality and protection of human rights at the global and regional levels.

The Community supports democratic transition and consolidation in States worldwide, and helps to bridge the gap between principles of democracy and universal human rights and their practice by assisting States in the development and strengthening of democratic institutions and values. It identifies, alerts and responds to threats to democracy so as to assist States to remain on the path to democracy. It supports and defends civil society in all countries by advancing broad-based participation in democratic governance, and giving a voice to those working peacefully for democracy in all countries.

According to General Assembly decision 49/426, the granting of observer status in the Assembly is "confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly".

The objectives of the Community of Democracies and the General Assembly in upholding the fundamental principle of democracy reflected in article 21 of the Universal Declaration of Human Rights — that the will of the people is the source of legitimacy of sovereign States and therefore of the United Nations as a whole — are complementary. By advancing the goals of the United Nations in promoting human rights, development, peace and security, the Community contributes greatly to the activities of the United Nations. Furthermore, the General Assembly is one of the largest providers of technical cooperation for democracy and governance globally, and synergy between the two organizations can foster dissemination of the activities offered by the Community, as well as even broader support for democratic processes around the world. Granting the Community observer status would further advance the mutually beneficial institutional dialogue between the United Nations and the Community.

I. Historical background

The Community of Democracies was inaugurated at its first biennial Ministerial Conference, hosted by the Government of Poland in Warsaw from 25 to 27 June 2000. The initiative was spearheaded by Bronislaw Geremek, Minister for Foreign Affairs of Poland, and Madeleine Albright, Secretary of State of the United States of America, along with six co-conveners: the Governments of Chile, the Czech Republic, India, Mali, Portugal and the Republic of Korea.

A total of 106 States Members of the United Nations signed the founding document of the Community: the Warsaw Declaration "Towards a Community of Democracies" on 27 June 2000, expressing their common adherence to the purposes and principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights, and their readiness to uphold 19 core democratic principles and practices.

In closing remarks to the Ministerial Conference in Warsaw, the Secretary-General of the United Nations Kofi Annan praised the Community of Democracies as a positive development towards global democracy, saying. "When the United Nations can truly call itself a community of democracies, the Charter's noble ideals of protecting human rights and promoting 'social progress in larger freedoms' will have been brought much closer".

II. Purpose and activities

The Community seeks to support both a democratic transition at the national level within participating States and democratic consolidation worldwide, and to help bridge the gap between the principles of democracy and universal human rights and practice by:

- Assisting societies in the development and strengthening of democratic institutions and values
- Identifying, alerting and responding, consistent with the Charter of the United Nations and the Warsaw Declaration, to threats to democracy so as to assist States to remain on the path of democracy
- Supporting and defending civil society in all countries
- Advancing broad-based participation in democratic governance
- Giving a voice to those working peacefully for democracy.

The 106 States Members of the United Nations — signatories to the Warsaw Declaration — agreed to respect and uphold the following 19 core democratic principles and practices:

- The will of the people shall be the basis of the authority of government, as expressed by the exercise of the right and civic duties of citizens to choose their representatives through regular, free and fair elections with universal and equal suffrage, open to multiple parties, conducted by secret ballot, monitored by independent electoral authorities, and free from fraud and intimidation
- The right of every person to equal access to public service and to take part in the conduct of public affairs, directly or through freely chosen representatives
- The right of every person to equal protection of the law, without any discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status
- The right of every person to freedom of opinion and of expression, including to exchange and receive ideas and information through any media, regardless of frontiers
- The right of every person to freedom of thought, conscience and religion

- The right of every person to equal access to education
- The right of the press to collect, report and disseminate information, news and opinions, subject only to restrictions necessary in a democratic society and prescribed by law, while bearing in mind evolving international practices in this field
- The right of every person to respect for private family life, home, correspondence, including electronic communications, free from arbitrary or unlawful interference
- The right of every person to freedom of peaceful assembly and association, including to establish or join their own political parties, civic groups, trade unions or other organizations with the necessary legal guarantees to allow them to operate freely on the basis of equal treatment before the law
- The right of persons belonging to minorities or disadvantaged groups to equal protection of the law, and the freedom to enjoy their own culture, to profess and practice their own religion, and use their own language
- The right of every person to be free from arbitrary arrest or detention; to be free from torture and other cruel, inhumane or degrading treatment or punishment; and to receive due process of law, including to be presumed innocent until proven guilty in a court of law
- That the aforementioned rights, which are essential to full and effective participation in a democratic society, be enforced by a competent, independent and impartial judiciary open to the public, established and protected by law
- That elected leaders uphold the law and function strictly in accordance with the constitution of the country concerned and procedures established by law
- The right of those duly elected to form a government, assume office and fulfil the term of office as legally established
- The obligation of an elected government to refrain from extra-constitutional actions, to allow the holding of periodic elections and to respect their results, and to relinquish power when its legal mandate ends
- That government institutions be transparent, participatory and fully accountable to the citizenry of the country and take steps to combat corruption, which corrodes democracy
- That the legislature be duly elected and transparent and accountable to the people
- That civilian, democratic control over the military be established and preserved
- That all human rights — civil, cultural, economic, political and social — be promoted and protected as set forth in the Universal Declaration of Human Rights and other relevant human rights instruments.

The Community of Democracies seeks to achieve these goals by creating a global network of committed governments. They share ideas, advice and best practices through mechanisms of intergovernmental consultation and coordination,

providing opportunities for support to democracy activities, and working toward a common democratic voice in international organizations.

III. Signatories

The following States Members of the United Nations were signatories to the Warsaw Declaration:

Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Cabo Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, Georgia, Germany, Guatemala, Haiti, Greece, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kenya, Republic of Korea, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Lucia, Sao Tome and Principe, Senegal, Seychelles, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, United Republic of Tanzania, Thailand, the former Yugoslav Republic of Macedonia Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Yemen.

IV. Organizational structure

In anticipation of the tenth anniversary of the Community of Democracies, the ministers gathered at the Fifth Ministerial Conference, in Lisbon, committed their Governments to: "Give a new impetus to the Community of Democracies, strengthen the core principles that presided over its creation, intensify its effectiveness and through action-oriented goals, reaffirm its fundamental role in promoting democratic governance globally". To that end, the Lithuanian Presidency of the Community of Democracies established a Working Group on Community of Democracies Governance Reform, co-chaired by Sweden, to consider proposals for strengthening the effectiveness and efficiency of the Community of Democracies governance structure in a way that would also generate more commitment and support for the Community of Democracies. As a result, the Community was reformed in 2011 at the Ministerial Conference in Vilnius, where the Convening Group, composed primarily of Governments that had initiated the Warsaw Conference, was formalized by establishing the collegial Governing Council.

The core structure of the Community comprises the Ministerial Conferences, the Presidency, the Governing Council and the Secretary General.

(a) Ministerial Conference

The biennial Ministerial Conference gathers Heads of State and Government of the participating States. It is convened once every two years by the State holding the Presidency of the Community. The main function of the Ministerial Conference is to provide overall guidance for the work and activities of the Community in the achievement of its objectives. Each Ministerial Conference adopts a ministerial resolution on the main democracy-oriented objectives for the Community in the next period.

Criteria for participation in the Community's Ministerial Conference were adopted according to the values of the Warsaw Declaration, and participation in the Conference is reserved for countries that have shown commitment to those values and practices. Some countries that do not fully satisfy the criteria may participate as observers, without the right to vote on the Ministerial Declaration.

Ministerial Conferences are held towards the end of each presidency's term, in the capital of the presiding State. They result in the adoption of a common declaration or plan of action towards the ensuing activities of the Community. Conferences were held in Seoul in 2002; Santiago in 2005; Bamako in 2007; Lisbon in 2009; Vilnius in 2011 and Ulaanbaatar in 2013. Additionally, a special High Level Democracy Meeting was held in 2010 in Krakow, Poland, marking the tenth anniversary of the Community of Democracies.

(b) Presidency

The role of the Presidency of the Community of Democracies is assumed by a Governing Council member State, to coordinate the work of the Governing Council and of the Executive Committee. Rotating every two years between the member States of the Governing Council, the Presidency leads the Governing Council and Executive Committee meetings, suggests priorities, and executes initiatives.

Since the original conference in Warsaw, the chairmanship of the Community has been held by member States around the world.

Following the seventh Ministerial Conference in Ulaanbaatar (2013), El Salvador assumed the Presidency of the Community under the theme of "Democracy and Development", reminding all of the close ties between democratic governance and sustainable economic development.

The Executive Committee, an advisory board supporting the Presidency, reviews and guides the ongoing activities of the Community. The Executive Committee comprises the current Presidency; the preceding and succeeding Presidencies; the Republic of Poland; the United States of America; and the Kingdom of Sweden.

(c) Governing Council

The Governing Council is the principal decision-making organ of the Community, and is composed of the Ministers of Foreign Affairs or senior officials appointed as the representatives of the 27 member States. The Governing Council serves as a forum for thorough and comprehensive consideration of issues brought

to its attention by the States or the Secretary General. It examines and deliberates on the workplans, reports and documents submitted by the Secretary General, and selects courses of action. It is convened four times a year; one session is held alongside the United Nations General Assembly session in New York and another is in conjunction with the Human Rights Council session held in March in Geneva.

As of 15 June 2015, the Community is governed by the Governing Council, consisting of high-level representatives of the following 27 States Members of the United Nations: Canada, Cape Verde, Chile, Costa Rica, El Salvador, Estonia, Finland, Guatemala, Hungary, India, Italy, Japan, Lithuania, Mali, Mexico, Mongolia, Morocco, Nigeria, the Philippines, Poland, Portugal, Republic of Korea, Romania, South Africa, Sweden, United States of America and Uruguay.

The Governing Council supports democratic processes in individual countries by initiating or validating activities of the Community. In order to become a member of the Governing Council, the candidate State must respect the principles set forth in the Warsaw Declaration and the Criteria for Participation and Procedures, as reported by objective non-governmental reports, as well as:

- Support emerging and transitional democracies and respond to situations involving a serious disruption of democratic governance consistent with the Charter of the United Nations and the Warsaw Declaration
- Participate in the United Nations Democracy Caucus in New York and Geneva
- Designate a senior official of the Ministry for Foreign Affairs or other relevant government office as the point of contact for the Community
- Make tangible contributions to strengthening the Community through financial or administrative measures.

(d) Secretary General

The Secretary General conducts the executive functions of the Community. He or she works under the direct supervision of the Governing Council, and is guided by the ministerial declarations and the directives of the Governing Council. The Secretary General is responsible for preparation of the yearly work programme and agendas of the Governing Council sessions, and preparation of the draft decisions to be submitted to the Council for consideration. The Secretary General supports the Presidency, the Governing Council and the Community's working groups, and assists in the development of new and existing initiatives of the Community. The Secretary General submits reports on his/her work, which contain conclusions considered necessary for the implementation of resolutions adopted by the Ministerial Conferences. The Secretary General is selected from among qualified professionals and appointed by the Governing Council for a once-renewable two-year term.

Recognizing the need to enhance the Community's daily operations, the member States of the Governing Council decided to establish the Permanent Secretariat in 2007. The Permanent Secretariat of the Community, headed by the Secretary General of the Community, is located in Warsaw, in accordance with an international agreement between the Republic of Poland and the Republic of Mongolia, signed on 9 July 2012.

The Permanent Secretariat provides efficient and effective substantive, administrative and organizational support for the work of the Community's Presidency, Governing Council and working groups. It also actively supports the Presidency in the preparation of each Ministerial Conference. The Permanent Secretariat initiates projects, maintains contact with the organizations cooperating with the Community, gives conceptual guidance to the Community's various groups, and assists with the effective implementation of the adopted policies and decisions.

Member States of the Governing Council second diplomats to perform tasks in the Permanent Secretariat.

(e) Working Groups

During the third Ministerial Conference of the Community of Democracies, in 2005 in Santiago, participating States pledged to widen their support of the Community's activities through the establishment of voluntary working groups that embody and concretize the values expressed by the Warsaw Declaration. The Governing Council mandates each working group to focus on a thematic issue as a means of disseminating information and knowledge on best practices, and arrive at practical initiatives within that specific field to promote and support democracy.

Five working groups currently operate within the Community of Democracies, each one of them chaired or co-chaired by member States of the Community's Governing Council:

Elections (co-chaired by Mexico and the Philippines);

Education for Democracy (co-chaired by Mongolia and Poland);

Enabling and Protecting Civil Society (chaired by Canada);

Promoting Freedom of Opinion and Expression co-chaired by the United States of America and Uruguay);

Women and Democracy (chaired by Lithuania);

Community of Democracies Governance and Effectiveness (co-chaired by El Salvador and Sweden).

V. Financing of the Community

Operations of the Community of Democracies are covered by voluntary contributions from the member States of the Governing Council. Projects delivered within the framework of the Community of Democracies are financed by official lines of funding available from the States participating in the Community.

VI. Development of procedures and agreements

By-laws of the Community

Since its launch, the Community has operated primarily on the basis of a wide, intergovernmental consensus over procedural and substance issues, with occasional

use of the silent voting procedure, if agreed previously among the member States of the Governing Council. Specific by-laws adopted first by the Convening Group of the Community of Democracies, and superseded as a result of an internal reform process by the Governing Council, regulate membership of the Governing Council and its operations, Executive Committee elections, invitations, suspension and reinstatement of members of the Governing Council, and mandates of the Working Groups.

Host country agreement

Following the establishment of the Permanent Secretariat in 2009 and the generous offer of the Government of Poland to accommodate the Permanent Secretariat in Warsaw, the Host Country Agreement was signed between the Government of Poland and the Presidency of the Community of Democracies, then held by Mongolia, on 9 July 2012. The agreement regulates the Permanent Secretariat's legal capacity, inviolability of premises and archives. Privileges of the Head of the Secretariat and members of the staff seconded by the Governments are regulated in accordance with the Vienna Convention on Diplomatic Relations, of April 1961, whereas privileges and immunities of the other international members of the Secretariat staff are regulated in accordance with the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

VII. Observer status in the General Assembly

According to General Assembly decision 49/426, the granting of observer status in the Assembly is "confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly".

The United Nations supports democracy and governance through various specialized agendas that promote human rights, development, peace and security. The purpose and activities of the Community of Democracies complement those of the General Assembly and the United Nations in numerous aspects, including:

- Assisting parliaments and governments to enhance the checks and balances that allow democracy to thrive
- Promoting human rights, the rule of law and access to justice by helping to strengthen the impartiality and effectiveness of national human rights machinery and judicial systems
- Ensuring freedom of expression and access to information by strengthening legislation and media capacities
- Providing electoral assistance and long-term support for electoral management bodies
- Promoting women's political empowerment.

Since 1998, the General Assembly has adopted at least one resolution annually dealing with some aspect of democracy. Democracy has emerged as a cross-cutting issue in the outcomes of the major United Nations conferences and summits since

the 1990s and in the internationally agreed development goals they produced, including the Millennium Development Goals. Member States at the World Summit in September 2005 reaffirmed that "democracy is a universal value based on the freely expressed will of the people to determine their political, economic, social and cultural systems and their full participation in all aspects of their lives".

On 8 November 2007, the General Assembly proclaimed 15 September the International Day of Democracy, inviting Member States, the United Nations system and other regional intergovernmental and non-governmental organizations to commemorate the Day by providing an opportunity to review the state of democracy in the world.

The political work of the United Nations requires that it promote democratic outcomes. Its development agencies seek to bolster national institutions that form the bedrock of any democracy, and its human rights efforts support freedom of expression and association, participation and the rule of law, all of which are critical components of democracy. These endeavours can be fully realized only with joint, transnational efforts. The Community of Democracies makes a vital contribution to this enterprise.

Democracy is as much a process as a goal, and only with full participation of and support by the international community, national governing bodies, civil society and individuals can the idea of democracy be made a reality to be enjoyed by everyone everywhere.

In the Seoul Plan of Action-Democracy: Investing for Peace and Prosperity, adopted on 12 November 2002, the participating States of the Community of Democracies prescribed measures of responding to threats to democracy specifically through suspending bilateral relations, commerce with or aid to States supporting terrorism upon determination by the Security Council of the United Nations and complying with the 12 United Nations Conventions against Terrorism and the mechanism adopted by the Security Council Committee established pursuant to resolution 1373 (2001), concerning counter-terrorism.

The Governments of the participating States of the Community of Democracies pledged in the Warsaw Declaration (2000) to "collaborate on democracy-related issues in existing international and regional institutions, forming coalitions and caucuses to support resolutions and other international activities aimed at the promotion of democratic governance".

On 22 September 2004, the Community of Democracies met for the first time as a "democracy caucus" in the United Nations. More than 80 foreign ministers and the permanent representatives of Members of the United Nations attended. Since then the caucus has functioned under the leadership of the country chairing the Convening Group with the stated purpose of promoting a democratic agenda in the United Nations.

The participating States of the Community of Democracies emphasized in the Santiago Ministerial Commitment "Cooperating for Democracy", adopted on 30 April 2005, that the United Nations plays a central role in achieving the objectives of strengthening the States' capacities to implement the principles and practices of democracy, and pledged to support the further expansion and strengthening of its activities to broaden and reinforce democratic trends throughout the world. The Governments of the participating States declared active engagement

in the discussion on United Nations reform initiated by the Secretary-General in his report entitled "In larger freedom: towards development, security and human rights for all". The Santiago Ministerial Commitment also provides for strengthening the process of informal consultation and coordination by the Community of Democracies wherever possible, including the United Nations and other international and regional organizations on democracy-related issues. Among other opportunities, the Community convenes as an informal democracy caucus at the General Assembly and the Commission on Human Rights to support democracy and consult, coordinate possible actions and foster cooperation to deepen democratic governance; protect human rights; promote and improve democratic practices and strengthen the international mechanisms to support democracy, anticipating the creation of the United Nations Democracy Fund. In the same document, the participating States welcomed and encouraged cooperation with the International Conference of New or Restored Democracies as an intergovernmental forum to promote and consolidate democratic governance in emerging and restored democracies.

The Bamako Ministerial Consensus, adopted in 2007 by the participating States of the Community, contains their pledge to support the United Nations Democracy Fund. It also continued to focus on financing activities that bolster democratic governance, and declared strengthened efforts to mobilize under the auspices of the United Nations Democracy Caucus. Finally, it called for concerted efforts to finalize the draft United Nations Comprehensive Convention on International Terrorism.

Through the Lisbon Declaration of the Community of Democracies, adopted on 12 July 2009, participating States reaffirmed their determination to work in close association with relevant international organizations, in particular the United Nations, while recognizing the importance of reform of the United Nations, including the comprehensive reform of the Security Council.

The Vilnius Declaration, "The Community of Democracies: Empowered, Energized Engaged", adopted on 1 July 2011, reaffirmed the intention of participating States to enhance engagement with the United Nations Development Programme, the United Nations Democracy Fund and the Alliance of Civilizations in supporting and promoting democratic governance.

By approving the Ulaanbaatar Declaration, "The Community's Attainments and Global Challenges" on 29 April 2013, the Community's participating States resolved to provide support to countries undergoing transitions to democracy to facilitate the emergence of democratic societies defined by good governance, protection of human rights and fundamental freedoms, and respect for the rule of law, as stated in resolution 19/35 of the United Nations Human Rights Council, and support for the strengthened role of the Community of Democracies at the United Nations by:

- Encouraging the United Nations Democracy Caucus to take a leading role in supporting the goals of the Charter of the United Nations, the Universal Declaration of Human Rights and the Community of Democracies Warsaw Declaration in the General Assembly, the Human Rights Council and other relevant United Nations bodies

- Supporting the work of the United Nations special mechanisms on issues relating to democracy and human rights, particularly the United Nations Special Rapporteurs on the right to freedom of peaceful assembly and of association, the right to freedom of opinion and expression, and the situation of human rights defenders
- Developing closer cooperation with the United Nations Development Programme, the United Nations Democracy Fund, other relevant UN bodies and the UN Alliance of Civilizations.

In addition to the United Nations Democracy Caucus, the Community of Democracies has been cooperating with the United Nations on a variety of initiatives and projects. For example, in 2014 and 2015, together with the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, the Community launched the project "Protecting Civic Space and the Right to Access Resources", a set of regional dialogues led by the Special Rapporteur with the participation of local and regional civil society representatives from Eastern Europe, Asia, Africa, the Middle East and Northern Africa, and Latin America. The regional dialogues focus on key challenges that civil society organizations face in accessing resources, and will produce recommendations and strategies to be employed in order to overcome these challenges.

The Community contributes to the activities of the United Nations by advancing the goals of the United Nations and providing assistance in translating principles of democracy into reality. The granting by the Assembly of Observer status to the Community would thus be a natural advancement of the relationship between the United Nations and the Community, and would further foster the mutually beneficial institutional dialogue between the two. As an observer to the United Nations General Assembly, the Community would strengthen its international visibility, by sharing the most important platform for democracy-oriented dialogue with other States.

Annex II

Draft resolution

Observer status for the Community of Democracies in the General Assembly

The General Assembly,

Wishing to promote the relationship and cooperation between the United Nations and the Community of Democracies,

1. *Decides* to invite the Community of Democracies to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.